

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The petitioners do not dispute any of the figures used by the Department. They need insurance coverage because

they have medical conditions that require costly prescription medications.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, spouses living together are considered as a household, and all income of eligible household members is included as countable income for each household member's eligibility. W.A.M. 4001.81(c).

Unfortunately, for individuals in the petitioner's position there are no deductions for medical expenses in the VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute that the petitioner's family has countable income slightly in excess of the maximum for eligibility under the VHAP program for a two-person family with eligible children, which is \$1,562 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84.

At the hearing in this matter, held by phone on October 20, 2004, the petitioner was advised to ask for a written decision from the Department regarding his Medicaid spenddown.

(Unlike VHAP, a family's medical expenses can be considered in determining financial eligibility for Medicaid, although the monthly income maximum for that program is considerably lower than VHAP.) The petitioner was also advised to reapply for VHAP if his monthly income should fall (even voluntarily) below the maximum amount. However, at this time, inasmuch as the Department's decision was in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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